

Senate Bill 365

By: Senators Thomas of the 54th, Smith of the 52nd, Moody of the 56th, Murphy of the 27th
and Rogers of the 21st

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 6 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to railroads, so as to provide for the installation of active warning devices following a collision at any unmarked railroad grade crossing; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 6 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to railroads, is amended by adding a new Code section to read as follows:

"32-6-200.1.

(a) As used in this Code section, the term 'active warning devices' means automated control gates, lights, and warning bells, used singly or in any combination.

(b)(1) Within six months after a fatality caused by a collision between any railroad engine or train and a vehicle or pedestrian at any unmarked railroad grade crossing where there are regularly scheduled trains, where 100 or more vehicles cross daily, or which is a regular school bus crossing, and upon the order of the commissioner or the commissioner's designee, the railroad company responsible for maintaining the track and right of way at such grade crossing shall install or cause to be installed active warning devices on both sides of the tracks at the street, road, or highway crossing such tracks in such a manner that approaching motorists, riders, or pedestrians may be warned of the hazard and alerted to watch for an oncoming train or engine.

(2) A railroad company shall have six months from the time of an order of the commissioner or the commissioner's designee in which to install or cause to be installed the active warning devices required. If such devices are not installed and operative at the end of this time period, and the commissioner has not granted an extension based on hardship or act of God, the speed of trains operating within one mile in each direction of

such crossing shall be restricted to not more than 25 miles per hour. This restriction shall continue until the active warning devices are fully operational.

(c)(1) The cost of installing such active warning devices shall be borne equally by the railroad company, the State of Georgia, and the county, or municipality if such active warning devices are installed within the corporate limits of the municipality.

(2) Payment of the State of Georgia's share shall be made as reimbursement to the railroad company of one-third of the cost of such installation, after inspection of the site and certification by the commissioner or the commissioner's designee that such active warning devices have been installed in compliance with this Code section; provided, however, that the railroad company has first submitted to the commissioner a sworn statement of the total costs incurred by the railroad company in installing such active warning devices.

(3) Payment of the county's or municipality's share of the costs shall similarly be made in accordance with the fiscal procedures of such county or municipality, after receipt of a sworn statement from the railroad company of the total cost of the installation and verification of such installation by the appropriate county or municipal government official.

(d) If any county or municipal government fails or refuses to reimburse the railroad company as provided in this Code section, the commissioner shall cause the necessary funds to be withheld from such county or municipal government from any funds otherwise due the county or municipal government.

(e) The department shall be prohibited from adopting any rules or regulations which circumvent the purposes of this Code section by setting incompatible criteria for determining priorities for the installation of railroad crossing signals.

(f) In the event federal funds are available to defray the cost of such installation in whole or in part, the federal rules then applicable shall determine the allocation of the costs of such installation.

(g) Any railroad company failing to comply with the requirements of this Code section shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each day of continued violation."

SECTION 2.

This Act shall become effective on July 1, 2010.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.